

BIODIVERSITY CONSERVATION ACT

Chapter One GENERAL PROVISIONS

Art. 1. (1) This Act regulates relations between the State, municipalities, legal entities and physical persons in the conservation and utilization of biological diversity in the Republic of Bulgaria.

(2) Biological diversity is the diversity of all living organisms in all forms of their natural organization; the diversity of communities, ecosystems, ecological complexes, and habitats made up of such organisms, and the natural state and processes, as well as genetic resources thereof.

(3) Biological diversity being an integral part of the national heritage, its conservation is a priority for the state and municipal bodies and agencies, and the citizens at large.

Art. 2. The goals of this Act are:

1. the conservation of the diversity, quantity and area of natural habitats and the habitats of plant and animal species;
2. the conservation of the diversity, numbers and areas of habitation of the plant and animal species constituting Bulgaria's flora and fauna;
3. the conservation of genetic resources and genetic purity of wild and domesticated local plants and animals and the conservation of local plant and animal species outside of their natural living environment;
4. the regulation and introduction of alien (non-local) and the re-introduction of local plant and animal species in the natural environment;
5. the regulation of trade in specimens of endangered species of wildlife]
6. the conservation of centenarian and remarkable tree specimens.

Chapter Two THE NATIONAL ECOLOGICAL NETWORK

Section I Description of the National Ecological Network

Art. 3. The State shall build a National Ecological Network, comprising:

1. protected zones, which may encompass protected territories and other areas of conservation significance, including ones of international conservation significance;
2. protected territories outside the said protected zones;
3. buffer zones surrounding the protected territories;
4. CORINE sites;
5. sites of ornitological significance;
6. Ramsard sites;
7. ecological corridors connecting sites as per 1, 2 and 3 above.

Art. 4. For protected territories as per Art. 3 items 1 and 2 above, the Protected Territories Act shall apply.

Art. 5. The National Ecological Network pursues the following goals:

1. The long-term conservation of biological, geological and landscape diversity, of natural habitats and the habitats of plant and animal species of national and international conservation significance;
2. The provision of sufficient and adequate sites and territories for breeding, feeding, rest during migration, hibernation and wintering of wild animals;
3. The provision of conditions for genetic exchange between separate populations of the same species;
4. The inclusion of protected zones and protected territories meeting the European biodiversity conservation criteria into the NATURA 2000 network, as well as in other international networks.

Art. 6. (1) The zones as per Art. 3 item 1 above include:

1. types of natural habitats, as listed in Appendix # 1, which meet one or more of the following criteria:
 - a) are threatened with extinction in their natural range;
 - b) have a limited natural range as a result of reduction thereof, or as a result of an already restricted range of habitation;
 - c) have the characteristic features of one or more of the following biogeographic zones: Alpine, continental, Mediterranean, Black Sea or steppe;
 2. habitats of plant and animal species as listed in Appendix # 2, which meet one or more of the following conditions:
 - a) are threatened with extinction;
 - b) are potentially threatened with extinction;
 - c) are rare;
 - d) are endemic;
 - e) are species vulnerable to changes in their habitats;
 - f) are other species requiring special attention due to the specific nature of their habitats;
 - g) are species vulnerable due to their periodic concentration in certain areas for reasons of breeding, wintering or migration;
 - h) are considered rare due to their small population or limited range.
- (2)** The natural habitats as per (1), item 1, subitem a) above are to be protected on a priority basis.
- (3)** The natural habitats of plant and animal species as per (1), item 2, subitem a) above are to be protected on a priority basis.

Art. 7. (1) On proposal by the Minister of the Environment and Waters, the Council of Ministers approves a list of territories of special significance for the conservation of natural habitats as per Appendix # 1 to Art. 6 (1), item 1 above, and of species as per Appendix # 2 to Art. 6 (1), item 2 above, which is then promulgated in *State Gazette*.

(2) In assessing the territories proposed for inclusion in the list as per (1) above, the following criteria shall apply:

1. for types of natural habitats:
 - a) the degree to which the natural habitat is representative of the respective territory;
 - b) the size of the territory covered by the natural habitat in relation to the total area covered by the same type of natural habitat for the rest of the country;

- c) the degree of preservation of the structure and functions of the respective type of natural habitat and the possibilities for regeneration thereof;
 - d) an assessment of the European or world significance of the territory for the conservation of the respective type of natural habitat.
2. for species' habitats:
- a) the size and density of the population of the species inhabiting the territory, in relation to the size and density of the populations of the same species for the rest of the country;
 - b) the degree of preservation of the characteristic features of the habitat of significance for the respective species, and the possibilities for regeneration thereof;
 - c) the degree of isolation of the population inhabiting the territory, in relation to the main range of the same species;
 - d) an assessment of the world significance of the territory for the conservation of the respective species.

Section II

Declaration of and changes in the status of protected zones

Art. 8. The protected zones may comprise unwooded lands, forests and water basins.

Art. 9. Monuments of culture falling within the boundaries of protected zones retain their specific regimes of conservation and use as provided pursuant to the Monuments of Culture and Museums Act.

Art. 10. (1) Territories included on the lists as per Art. 7 (1) above are declared protected zones.

(2) The declaration of protected zones and changes in their status are the responsibility of the Minister of the Environment and Waters.

(3) Protected zones may, wholly or partially, be declared protected territories.

(4) Proposals for declaration of protected zones may be made by government institutions, municipalities, legal entities and physical persons.

Art. 11. The Ministry of the Environment and Waters (MOEW) prepares the requisite documentation for the declaration of a protected zone, which must contain:

1. argumentation and statement of purpose of the protected zone;
2. relevant maps;
3. proportional distribution of the forests, unwooded lands and water basins;
4. the draft for a decree declaring the area a protected zone.

Art. 12. (1) Within 3 months from the date of preparation of the documentation as per Art. 11 above, but not later than 14 days prior to the date of the hearing, MOEW announces, through the media and by posting prominent notices to that effect in the respective municipalities, the date and site of holding a public hearing,

(2) Invited to the public hearing as per (1) above are representatives of ministries and government agencies, regional governments, municipalities, research and academic institutions, NGOs and environmental organizations.

(3) All opinions and proposals arising from the public hearing are duly recorded; the records thereof are appended to the documentation as per Art. 11 above.

Art. 13. (1) Within 3 months from the public hearing as per Art. 12 above, the Minister of the Environment and Waters shall appoint a commission to consider the documentation as per Art. 11.

(2) The commission as per (1) above comprises representatives of MOEW, the Ministry of Agriculture and Forests (MOAF), the Ministry of Regional Development and Public Works (MRDPW), of the respective regional governors, the municipalities, and of environmental NGOs.

(3) The Commission as per (1) above considers the documentation as per Art. 11 and, in due consideration of the results of the public hearing, draws up a protocol containing a proposal to the Minister of the Environment and Waters determining the boundaries and purpose of the protected zone, and stating the need to impose a restrictive regime or carry out specific acts for attaining the conservation goals of the protected zone.

(4) The protocol as per (3) above is accompanied by a draft for the ministerial decree on the declaration of the protected zone.

Art. 14. (1) The Minister of the Environment and Waters issues a decree on the declaration of the protected zone not later than one month from receipt of the protocol as per Art. 13 (3) above.

(2) The decree as per (1) above must state:

1. the grounds for issue thereof;
2. the name of the protected zone;
3. the purpose of the protected zone;
4. the management objectives of the protected zone;
5. a description of the lands, forests and water basins included in the protected zone;
6. the regime of the protected zone.

Art. 15. (1) The following changes may be made in protected zones:

1. expansion of the area;
2. reduction of the area;
3. changes in the purpose and management objectives;
4. changes in the regime of activities;
5. termination of the zone.

(2) Changes as per (1) above are made according to the procedure as per Arts. 11-14.

(3) Changes as per (1) above are made by decree of the Minister of the Environment and Waters.

Art. 16. Decrees as per Art. 14 (1) and Art. 15 (3) are promulgated in *State Gazette*.

Art. 17. MOEW and the Regional Inspectorates for the Environment and Waters (RIOEW) keep records of all declared protected zones and changes therein.

Art. 18. Where a threat arises of damage to a territory comprising types of habitats as per Appendix # 1 to Art. 6 (1), item 1, or habitats of species as per Appendix # 2 Art. 6 (1), item 2 above, prior to their inclusion in the list as per Art. 7 (1), or prior to their being declared protected zones, the Minister of the Environment and Waters shall issue a decree prohibiting or restricting certain activities therein for a period of up to two years, except for sites handed over to national defense institutions and the armed forces.

Art. 19. Declaring an area a protected zone does not change ownership of the lands, forests and water basins in it.

Section III Buffer zones

Art. 20. The lands immediately surrounding reserves and maintained reserves not included in national parks, or immediately surrounding wetlands which constitute protected territories declared pursuant to the Protected Territories Act, are declared buffer zones whose purpose is to limit the anthropogenic impact on the protected territory.

Art. 21. The Regional Inspectorates for the Environment and Waters prepare the requisite documentation for declaring a buffer zone, which must include:

1. description of the lands, forests and water basins within the proposed buffer zone;
2. map(s) of the protected territory and the proposed buffer zone;
3. proposal for the regime of the buffer zone.

Art. 22. (1) The RIOEW directors appoint a commission comprising representatives of the territorial authorities, municipalities, environmental NGOs and the owners of the lands, forests and water basins.

(2) The commission as per (1) above draws up a protocol stating the boundaries and regimes of the proposed buffer zone.

(3) Where a buffer zone is declared simultaneously with the respective protected territory, the procedures and provisions of the Protected Territories Act shall apply.

Art. 23. (1) The protocol as per Art. 22 (2) above and the corrected (where necessary) documentation as per Art. 11 are submitted to MOEW.

(2) The Minister of the Environment and Waters issues a decree declaring the buffer zone, subject to coordination with all interested institutions. The decree is promulgated in *State Gazette*.

(3) The decree as per (2) above prohibits or restricts certain activities or construction as may have a negative impact on the state and purpose of the protected territories.

Art. 24. (1) The following changes may be made in buffer zones:

1. expansion of the area;
2. reduction of the area;
3. changes in the regime of activities;
5. termination of the buffer zone where the respective protected zone is terminated.

(2) Changes as per (1) above are made according to the procedure as per Arts. 21, 22 and 23.

Art. 25. MOEW and the RIOEW keep records of all buffer zones and changes therein

Art. 26. Declaring an area a buffer zone does not change ownership of the lands, forests and water basins in it

Section IV Management plans, inventories and projects

Art. 27. (1) Management plans are mandatory for:

1. protected territories as per Art. 3, item 1, where over 75 percent of their area is occupied by protected territories as declared pursuant to the Protected Territories Act, and by buffer zones as per Art. 3 (3) above;
2. buffer zones as per Art. 3 (3) above, where these constitute an integral part of the management plans for the respective protected territories;

3. CORINE sites;
4. sites of ornitological significance;
5. Ramsard sites.

(2) The Minister of the Environment and Waters may order the development of management plans for protected areas other than those described as per (1), item 1 above, where these comprise natural habitats having a priority status as per Appendix # 1 to Art. 6 (1), item 1, and/or habitats of species as per Appendix # 2 to Art. 6 (1), item 2.

Art. 28. Management plans as per Art. 27 above are commissioned and approved pursuant to the provisions of Chapter Four, Section II of the Protected Territories Act.

Art. 29. (1) Management plans as per Art. 27 above must include measures aimed to conserve the natural state and processes; to avert or stop the deterioration of conditions in the types of natural habitats and species habitats, as well as to prevent or eliminate the disturbance of species for which the respective protected zones were declared.

(2) Measures as per (1) above include:

1. a total ban on, elimination or restriction of activities in contravention of the conservation requirements for specific sites subject to protection;
2. measures to prevent predictable adverse effects;
3. scientifically-based support, guidance and regulatory activities in conformity with the declared management objectives of the protected territory;
4. restoration of natural habitats and habitats of species or plant and animal populations;
5. scientific research, educational activities and monitoring.

(3) In determining the measures as per (2) above, the following must be considered where possible:

1. other public interests and requirements and the regional and local peculiarities other than those pertinent to biodiversity conservation;
2. the sustained use of renewable resources.

(4) For protected zones where no management plans are developed, as well as for territories outside the National Ecological Network, the Minister of the Environment and Waters may issue orders for the development of measures as per (2) above; such orders are promulgated in *State Gazette*.

Art. 30. (1) Any territorial development plans, sectoral plans, forest inventories and regional development programs drafted pursuant to other laws, must comply with measures as per Art. 29.

(2) Except for cases as per Art. 27 above, any measures and activities aimed at attaining the goals of the protected zones are envisioned in the plans and projects as per (1) above.

(3) To provide better connectivity between the elements of the National Ecological Network as per Art. 3 above, and between the protected zones, the plans and projects as per (1) above must include measures and activities for the protection of ecological corridors and landscape components which, due to their linear and continuous structure and linking function are important for the migration, geographic distribution and genetic exchange of plant and animal populations and species.

(4) The main components of ecological corridors and landscapes as per (3) above are:

1. water courses and banks thereof with their inherent vegetation;
2. swamps, lakes, marshes and other wetlands;
3. caves, cliff ridges, sand dunes;
4. cols, saddles and other natural formations connecting individual mountain ranges;
5. field boundaries, protective belts, meadows and pastures;
6. submersible river plains, embankments and riverside vegetation;

7. local-type forests up to 500 meters above sea level;
8. local-type forests aged 100 years and over.

Art. 31. Plans and projects as per Art. 30 (1) above and those that are not directly related to the management of protected zones as per Art. 30 (1), or are not necessary therefore, but which may, separately or in conjunction with other plans or projects, have a negative impact on the protected zones or other components of the National Ecological Network, are assessed for compatibility with the goals as defined by the decrees as per Art. 14 (1) above, and:

1. in cases as provided pursuant to the Environment Protection Act (EPA), plans and projects are subjected to an environmental impact assessment (EIA);
2. in cases other than those as per item 1 above, subject to a decision by the Minister of the Environment and Waters, the plans and projects are subjected to an assessment by external experts commissioned by MOEW, or by officially appointed experts.

Art. 32. (1) Plans and projects as per Art. 30 (1) above are approved according to the procedure for special legislation, following:

1. a positive conclusion of the EIA where provided pursuant to the EPA;
2. a positive ruling by MOEW for the adoption of the plan or project by the respective bodies in cases other than those as per item 1 above.

(2) The conclusion and/or ruling as per (1) above are issued only when the issuing authority is satisfied that no damage will be caused to the protected zone or any other element of the National Ecological Network.

Art. 33. Exceptions to the provisions of Art. 32 (2) are allowed by a ruling of the Council of Ministers for reasons of paramount public interest and if no other decision exists concerning the plan or project.

Art. 34. (1) In cases as per Art. 33, MOEW shall take compensatory measures to ensure the wholeness of the National Ecological Network, regardless of the stage of implementation of the plan or project

(2) Measures as per (1) above shall amount to the preservation or regeneration of the same type of natural habitat or a habitat of the same plant or animal species:

1. elsewhere within the damaged protected zone or component of the National Ecological Network;
2. in an extension of the protected zone concerned, or of another protected zone or component of the National Ecological Network;
3. in a new protected zone or component of the National Ecological Network.

(3) The investor of the plan or project is obligated to institute the measures as per (1) above at his own expense prior to commencement of the implementation of the plan or project.

Chapter Three CONSERVATION OF PLANT AND ANIMAL SPECIES

Section I General provisions

Art. 35. Plant and animal species constituting the country's wildlife are conserved in their natural living environment by means of:

1. conservation of their habitats within the National Ecological Network as per Art. 3;
2. placement of the species under protection or a restricted use regime;
3. conservation, maintenance or restoration of conditions in their habitats in conformity with the ecological requirements of each species;
4. development and implementation of action plans for species of different degrees of endangerment;
5. re-introduction into their natural environment of locally extinct species and replenishment of the populations of rare and endangered ones;
6. control and regulation of alien (non-local) species which have been, or can be, introduced, accidentally or deliberately, in the environment, and which constitute a threat to local species;
7. conservation of species and their habitats while performing activities in the lands, forests or water basins, as well as in populated areas.

Art. 36. In addition to the measures as per Art. 35 above, other measures shall be applied for the conservation of plant and animal species of wild flora and fauna outside their natural living environment by means of cultivating specimens and/or preserving genetic material in controlled conditions.

Section II Protected plant and animal species

Art. 37. All wild plant and animal species listed in Appendix # 3 are declared protected species throughout the entire territory of the country.

Art. 38. (1) For animal species as per Appendix # 3 to Art. 37, the following activities are forbidden:

1. any form of deliberate capture or killing of specimens living in the wild by any means, methods and devices whatsoever;
2. the chasing and/or disturbing of specimens, especially during periods of breeding, the raising of offspring, wintering or migration;
3. the destruction or removal of eggs, including in cases where these have been abandoned; the destruction, damage or removal of nests, including in cases where the latter have been abandoned; the destruction or upsetting of sites for mating or rest;
4. the removal of dead specimens from the sites where they have been found;
5. the possession, moving, transportation, export, trade in, or marketing or barter of specimens taken from the wild;
6. the stuffing and/or possession, public display, moving and transportation, export, trade in, marketing or barter of stuffed specimens.

(2) All prohibitions as per (1), items 1, 2 and 4 above are valid for all stages in the animals' life cycle.

(3) For damages inflicted as per (1) above, the perpetrator shall be liable to pay indemnity pursuant to the applicable Indemnities Tariff (Council of Ministers' Letter # 442/...).

Art. 39. (1) Any person who has found a dead specimen or has inadvertently killed or wounded a specimen of an animal species as per Appendix # 3 to Art. 37, must notify the nearest RIOEW thereof.

(2) Subject to a decision by the RIOEW and depending on its condition, the specimen as per (1) above may be:

1. released in a suitable area;
2. sent for treatment or care to an animal rescue center or zoo;
3. made available to a research institution or museum of natural history for study or as part of an educational collection;
4. left where it was killed or found dead.

(3) The treatment or disposal of the specimen as per (1) above is evidenced by a protocol which is then submitted to MOEW.

Art. 40. (1) For plant species as per Appendix # 3 to Art. 37, the following activities are forbidden:

1. the picking, gathering, cutting off, uprooting or otherwise removing or destruction of specimens in their natural ranges or habitats;
2. the possession, moving and transportation, export, trade in, marketing or barter of specimens removed from the wild.

(2) The prohibitions as per (1) above are valid for all stages of the development and life cycle of the plants, of their vegetative or reproductive organs. For damages inflicted to any specimen the perpetrator shall be liable to pay indemnity pursuant to the Tariff as per Art. 38 (1) above.

Section III

Regulated use of plant and animal species

Art. 41. (1) Wild plant and animal species s listed in Appendix # 4 are placed under a regime of protection and regulated (restricted) use, aimed at maintaining and conservation of these species populations in proper condition.

(2) Depending on the state and condition of the populations and the biological requirements of individual species as per Appendix # 4 to Art. 41 (1), the regimes and conditions of use thereof may state:

1. prescriptions for access to certain areas;
2. a temporary or permanent ban on the use of the species or certain populations thereof;
3. periods, rules and methods of use thereof;
4. the introduction of a licensing regime or quotas for the use of specimens;
5. conditions of purchase, sale, possession, marketing or transportation thereof for purposes of sale or export of specimens or parts thereof;
6. conditions of breeding, raising and/or cultivated growing of plant and animal species in controlled conditions.

(3) For all species of birds as per Appendix # 4 to Art. 41 (1), the following activities are prohibited:

1. hunting or otherwise disturbing specimens thereof during the season of breeding or raising of offspring, as well as during the return of migrating birds to their breeding areas;
2. destruction, damage or removal of nests, including abandoned ones;
3. destruction, removal or gathering of eggs, including abandoned ones.

(4) The regulated use of species as per Appendix # 4 may take place only in ways and by means that do not contravene conservation measures for the species involved, or affect results thereof.

Art. 42. (1) The regimes and conditions as per Art. 41 (2), referring to fish and game species as per Appendix # 4 to Art. 41 (1), are imposed by a joint decree of the Minister of the Environment and Waters and the Minister of Agriculture and Forests, which is promulgated in *State Gazette*.

(2) For all other plant and animal species as per Appendix # 4 to Art. 41 (1), the regimes and conditions as per Art. 41 (2) are imposed by decree of the Minister of the Environment and Waters, which is promulgated in *State Gazette*.

(3) Decrees as per (1, 2) above are issued following discussions with interested central government agencies, scientific institutions, public organizations and sectoral organizations of potential users, and where a regional or local ban is imposed, with the respective regional governors or mayors of municipalities.

(4) In the event of a threat to a species as per Appendix # 4 to Art. 41 (1), the Minister of the Environment and Waters may, at his/her own discretion, impose a temporary or local regime regarding that species, different than the regimes as per (1, 2) above.

Art. 43. (1) Export of species of wild plants and animals requires a permit from MOEW, unless otherwise provided by a special law.

(2) The procedure and conditions for issuing a permit as per (1) above are determined by decree of the Council of Ministers.

Section IV

Banned methods, devices and means of capture and killing species

Art. 44. (1) The use of devices, means and methods listed in Appendix # 5 is banned in the capture and/or killing of specimens of animal species as per Appendix # 4 to Art. 41 (1).

(2) The ban as per (1) above also applies to animal species as per Appendix # 3 to Art. 37 in cases of allowed exceptions as per Art. 48 below.

Section V

Conservation of birds in the wild

Art. 45. (1) All species of birds naturally encountered in the wild in the country's territory are protected.

(2) The habitats of bird species as per Appendix # 2 are declared protected zones or other components of the National Ecological Network, and are subject to special measures for their conservation.

(3) The special conservation measures as per (2) above consist of:

1. the declaration of protected territories;
2. maintenance and management in compliance with the ecological needs of natural habitats within and outside the National Ecological network;
3. restoration of destroyed or damaged natural habitats;
4. creation of habitats similar to the natural ones.

Art. 46. (1) For birds as per Art. 45 above, the following activities are prohibited:

1. the capture or killing thereof, by any means, methods and devices;
2. destruction of, or damage to eggs and nests, removal of eggs from the nest;
3. removal or possession of eggs, even where abandoned or empty;
4. disturbance of specimens, especially during the season of breeding or raising of offspring;
5. the possession or raising indoors of birds subject to a ban on their capture and hunting;

(2) Bird species as per Appendix # 4 are subject to regulated and controlled use pursuant to the provisions of Art 41.

Art. 47. (1) All species of wild birds not included in Appendix # 4 to Art. 41 above are subject to a ban on their sale, storage or transportation for commercial purposes, as well as the marketing of specimens, dead or alive, or any other identifiable parts of products thereof.

(2) The ban as per (1) does not apply to bird species as per Appendix # 6, whereby activities as per (1) above may be performed subject to proof of the legitimate killing, capture or possession of the birds.

Section VI Exceptions

Art. 48. (1) Exceptions to the bans and restrictions as per Sections II-V of Chapter Three are allowed only for capture and/or collecting of animals, their eggs or offspring by selective means; picking, gathering, cutting off or uprooting of plants; killing of animals by selective means; the driving/chasing away of animals; improving or moving of nests, breeding or resting places; removal of dead specimens from the places they were found; possession, moving or transportation, export and barter thereof, solely subject to the condition that such acts are not in contravention of another decision, and that the population of the species concerned are not damaged or otherwise affected in their entire range of natural habitation and are in a good state and condition.

(2) Exceptions as per (1) above are allowed in the following cases:

1. for protection of species of wild flora and fauna and for the conservation of natural habitats;
2. where needed in the event of a genuine threat to public health and safety, incl. of air traffic;
3. for purposes of scientific research, for the introduction or re-introduction of species and the necessary selection therefore, incl. in artificial cultivation of plants.

(3) In cases as per (2) above, where species as per Appendix # 3 to Art. 37 are affected, exceptions are only allowed for individual specimens.

Art. 49. (1) Exceptions as per Art. 48 above are allowed by written permit by the Minister of the Environment and Waters.

(2) A permit as per (1) above must state the species, number of specimens, the time and place, the means, devices and methods, the method of disposal of the specimen, the indemnities due and other conditions of allowing the exception, as well as the body or authority responsible for enforcement thereof.

Art. 50. (1) No permit as per Art. 49 above is required for export of specimens of the species as per Art. 70 below.

(2) In cases as per (1) above, only an export permit is required pursuant to the procedure as per Chapter Four hereof.

Art. 51. The procedures and conditions of issue of a permit as per Art. 49 are determined by an ordinance approved by the Minister of the Environment and Waters.

Section VII Species action plans

Art. 52. An action plan concerning an animal or plant species is mandatory where it is clearly established that:

1. the species is endangered on an international scale and its conservation requires measures through the entire range of its natural habitation;

2. the state and condition of the species' population in the country or in separate areas is not favorable;

3. an alien (non-local) species introduced in the natural environment has a negative impact on the conditions in natural habitats or the state and condition of local wildlife species.

Art. 53. Pursuant to the provisions of Art. 52 above, action plans shall be developed on a priority basis for:

1. priority species as per Appendix # 2 to Art. 6 (1), item 2;
2. protected plant and animal species as per Appendix # 3 to Art. 37;
3. species subject to regulated use as per Appendix # 4 to Art. 41 (1);
4. species subject to re-introduction.

Art. 54. An action plan shall include:

1. a description of the biological attributes and ecological requirements of the species;
2. an assessment of the distribution and condition of the populations of the species, as well as of the conditions of its natural habitats;
3. description of the threats and limitation factors;
4. measures to regenerate, maintain or otherwise conserve the species, including conservation measures outside of its natural environment, where necessary;
5. regeneration and conservation measures for the habitats of the species subject to the plan;
6. plan for monitoring and control of the implementation and effect of the actions taken;
7. budget and timetable for the implementation of activities.

Art. 55. (1) The development of an action plan may be commissioned by:

1. the Minister of the Environment and Waters;
2. the Minister of Agriculture and Forests or heads of other interested government agencies;
3. non-governmental organizations.

(2) The bodies and organizations as per (1), items 2, 3 above must coordinate with MOEW the terms of reference and drafts of the action plans developed.

Art. 56. Action plans are approved by the Minister of the Environment and Waters.

Art. 57. The terms, conditions and procedure for the development of action plans for plant and animal species are determined by an ordinance of the Council of Ministers.

Section VIII

Conservation of plant and animal species outside their natural environment

Art. 58. (1) The conservation of species outside their natural environment includes:

1. raising and breeding, for re-introduction purposes, of animals and plants in controlled conditions, in vivaria, zoological or botanical gardens, dendraria, or live collections.
2. the establishment of seed, pollen, sperm, embryo, cellular and tissue culture banks and other collections for the conservation of genetic resources of plants and animals in special conditions.

(2) Activities as per (1) above must not include the use of methods and techniques leading to genetic modifications, or the gathering or capture of specimens in the wild in quantities or by means and methods as may endanger their natural populations.

Art. 59. Conservation as per Art. 58 (1) above is applied for species and other taxa which are:

1. directly threatened with extinction in their natural habitats on a local, national or international level, where their conservation is impossible in the said habitats;
2. wild predecessors of cultivated plant varieties, local or primitive animal breeds;
3. suitable for use following re-introduction pursuant to the program as per Art. 67;
4. of specific interest to science: endemic or relic species, etc.;
5. suitable for drawing public attention to issues of biodiversity conservation.

Art. 60. (1) Conservation as per Art. 58 (1) above may be performed by licensed scientific institutions, legal entities and physical persons.

(2) The entities and persons as per (1) above are obligated to:

1. keep records of the specimens and their origin;
2. label and mark clearly and individually all specimens; for birds of the *Falconiformes* order, such marking must be done using electronic microchips.
3. gather and support information on certain indicators of the state and condition of their collections, as well as the methods and techniques for their breeding and maintenance;
4. organize or participate in scientific and other research and practical activities of significance for the conservation and breeding of species, including ones related to the replenishment of populations or re-introduction of species into the wild;
5. provide reproduction material of endangered species for the restoration of populations or re-introduction thereof into the wild;
6. provide, where agreed, reproduction material of endangered species for cultivated plant growing and animal breeding farms;
7. exchange information with other institutions having similar goals and functions;
8. ensure public access to their collections, provide public information about species therein, their natural habitats and biodiversity conservation;
9. carry out educational and public awareness activities.

(3) In addition to the obligations as per (2) above, the following requirements are mandatory for zoological and botanical gardens as per Art. 58 (1):

1. to place specimens under conditions which satisfy their biological requirements and the requirements of their conservation and breeding;
2. to ensure an environment appropriate for individual species in the places where they are kept;
3. to maintain a high level of preventive and therapeutic veterinary care and proper feeding in the breeding and raising of animals, and proper phytosanitary care and control in the growing of plants, and to ensure the genetic purity of plants and animals;
4. to take all necessary steps to prevent the escape of animals in order to preclude any ecological threat to local species.

Art. 61. (1) The minimum acceptable level of requirements and conditions whereby animals may be kept in zoos and other places as per Art. 58 (1) is determined by an ordinance approved by the Minister of the Environment and Waters.

(2) In cases of the imposition of coercive measures as per Art. 121 (1), item 3, MOEW shall order the placement of animals in licensed zoos or places where the conditions as per (1) above are provided, as well as those as per Art. 60, (2, 3).

Art. 62. The activities in zoos and other places as per Art. 58 (1) above are conducted on the basis of a license issued subject to conditions and procedures determined by and ordinance of the Minister of the Environment and Waters.

Art. 63. The Ministry of the Environment and Waters keeps records of:

1. all licensed entities and persons possessing or maintaining collections of wild species of local or alien flora and fauna;

2. all licensed entities and persons possessing or maintaining collections of species of domesticated flora and fauna, as well as specialized collections of wild tree and bush species or game species of local and alien flora and fauna.

Art. 64. Specialized entities authorized to create and maintain national collections are appointed by an act of the Council of Ministers, provide that:

1. they carry out and/or coordinate activities pertinent to national or international programs related to genetic resources;

2. the collections are intended for preservation and maintenance of a significant taxonomic diversity of world flora and fauna, including wild relatives of cultivated plants or primitive varieties, and/or represent a strategic resource owing to the significant diversity of species, varieties, breeds, forms, lineages, including ones of local origin, or constitute samples pertinent to the implementation of international commitments of Bulgaria.

Art. 65. The terms, conditions and procedure of building, maintenance and servicing of collections, except those belonging to physical persons, are determined by acts of the heads of organizations as per Art. 64 (1) above.

Art. 66. (1) The sole owner of genetic resources of the country's natural flora and fauna is the State.

(2) Access to these resources is subject to the provisions of this Act or, where these are protected by patent or any other form of proprietary rights, subject to the relevant legislation.

(3) Genetic resources may be made available for use by other parties subject to preliminary agreement in writing on the terms and conditions and the method of sharing the benefits thereof, under mutually advantageous conditions including:

1. explicit reference to the natural origin of the materials;

2. provision by the user to the owner of scientific results and technologies obtained, related to, or derived from the said materials;

3. remission to the owner of part of the profit arising from the use of the material or of products and research data derived therefrom for commercial use;

4. participation in joint scientific research.

(4) An agreement between the parties may envision the gratuitous provision of genetic resources, where they are intended for non-commercial purposes: scientific research, education, biodiversity conservation, or protection of public health.

(5) The provision of materials for use by third parties is subject to the owner's written consent pursuant to the provisions of (2, 3 and 4) above

(6) The terms, conditions and procedure of access to genetic resources are determined by an ordinance of the Council of Ministers.

Section IX

Introduction of alien or re-introduction of local animal and plant species into the wild

Art. 67. (1) The introduction into the wild, as well as import for the purposes of breeding, of alien (non-local) animal and plant species is allowed where this does not cause damage to natural habitats or local plant and animal species and their populations in their natural ranges and places of habitation.

(2) Activities as per (1) above are allowed on the basis of a specially developed program following a positive expert assessment by the competent institutions of the Bulgarian Academy of Sciences (BAS), involving non-governmental organizations; such an assessment must be commissioned by the Minister of the Environment and Waters.

(3) Activities as per (1) above are carried out subject to written permission by the Minister of the Environment and Waters.

(4) The Minister of the Environment and Waters may, by force of a decree promulgated in *State Gazette*, prohibit the introduction into the wild of alien species as may endanger natural habitats or local wildlife species.

Art. 68. (1) The re-introduction of into the wild and replenishment of the populations of local plant and animal species is carried out in a manner as may contribute to the lasting regeneration of species in a favorable condition.

(2) All activities as per (1) above are carried out subject to written permission by the Minister of the Environment and Waters, in coordination with interested central government agencies, and in full view of public opinion in the communities adjoining the site of re-introduction.

Art. 69. The terms, conditions and procedure of issue of a permission as per Art. 67 (3) and Art. 68 (2) are determined by an ordinance of the Council of Ministers

Chapter Four TRADE IN ENDANGERED WILDLIFE SPECIES

Section I General provisions

Art. 70. The provisions of this Chapter concern specimens of the species listed in the Appendices to the Convention on International Trade in Endangered Species of wild flora and fauna (CITES) (State Gazette, # 6, 1992), further in the text to be referred to as “the Convention”, which:

1. are threatened with extinction and are/can be the subject of trade, as specified in Annex I to Art. III of the Convention;
2. require regulation of their import/export in order to eliminate the threat of use as may be detrimental to, or incompatible with, their survival, as specified in Annex II to Art. IV thereof;
3. are subject to regulated trade pursuant to the jurisdiction of the State, party to the Convention, as specified in Annex III to Art. V thereof.

Art. 71. The Ministry of the Environment and Waters is the agency responsible for the enforcement of the provisions of the Convention.

Art. 72. The Bulgarian Academy of Sciences is the advisory body responsible for the enforcement of the provisions of the Convention.

Section II Import, export and transit

Art. 73. (1) The import, export and transit of specimens of species as per Art. 70 above are subject to the provisions of the Convention, of this Act, of the Customs Act and all applicable special legislation.

(2) The transportation by air of live animals of species as per Art. 70 is subject to the requirements for the transportation of live animals pursuant to IATA Resolution 620, Appendix A.

Art. 74. (1) In the issue of permits as per Art. 75 (1) below, specimens of species as per Art. 70, item 1 above shall be treated as specimens as per Art. 70, item 2, where these are:

1. bred in breeding stations, as registered with the Secretariat of the Convention;
2. individually marked in a clear unambiguous way.

(2) The provision as per (1), item 2 above does not apply to plants and in cases where the marking may damage the health of the specimen.

Art. 75. (1) The import of specimens as per Art. 70, item 1 above and the export of specimens as per Art. 70 is subject to a permit issued by the Minister of the Environment and Waters or by an official duly authorized thereby, in a form conforming with CITES standards as specified in Annex # 7.

(2) No permit as per (1) above is required in:

1. transit of specimens;
2. import of specimens in cases as per Art. 74 (1).

(3) Each shipment of specimens as per (2), item 1 above must be accompanied by a mandatory export permit conforming with CITES standards, issued by the authority responsible for enforcement of the provisions of the Convention in the respective country of origin.

Art. 76. (1) For each shipment of specimens, a separate permit as per Art. 75 (1) above is required, which must accompany the shipment on arrival to, or departure from, the country.

(2) The permit is valid for a term of 6 months, as of the date of issue.

(3) The permit is considered invalid:

1. following expiry of its term of validity as per (2) above;
2. following a border crossing, unless validated by a customs authority pursuant to Art. 87, item 3 below;
3. where it is established that the permit was issued on the basis of false information provided by the permit holder of the conditions of import and export;
4. if damaged;
5. if destroyed;
6. if lost or stolen.

(4) The permit holder is obligated:

1. in cases as per (3), items 1, 2 and 4 above, to return within 15 days the original of the permit and any copies thereof to MOEW;
2. in cases as per (3), items 5 and 6 above, to notify MOEW without delay.

(5) In cases as per (3), items 3 and 6 above, MOEW shall notify without delay the customs authorities, the responsible agency at the country of origin and the Secretariat of the Convention, by stating the number, date and other identifiable data of the permit.

Art. 77. (1) The importer or exporter is obligated to present the permit as per Art. 75 (1) to the customs authorities upon crossing of the border.

(2) Where the importer or exporter is not personally responsible for transporting the shipment, the permit must be attached to the transport documentation.

Art. 78. (1) In cases of import or export of specimens constituting herbarium samples or museum exhibits, intended for donations or non-commercial exchange between persons as per Art. 96 (1) below, the permit as per Art. 75 (1) above may be replaced by a label.

(2) Labels are issued pursuant to a procedure determined by the Minister of the Environment and Waters, or by persons duly authorized thereby, in a format as approved by the Secretariat of the Convention.

Art. 79. The Minister of the Environment and Waters, or by persons duly authorized thereby, may refuse to issue a permit as per Art. 75 (1) above:

1. if the applicant has been subject to a fine, penalty or confiscation of a specimen pursuant to the applicable law, for a period of two years from the date of entry into force of the penalty;
2. in the event of a written statement by the scientific advisory body to the effect that the act subject to permit application may endanger the survival of the species in the wild;
3. in the event of a written statement by the scientific advisory body to the effect that the applicant cannot ensure the requisite conditions for raising the specimen subject to import;
4. the act subject to permit application is in contravention of Art. 73 (2);
5. the import or export of specimens of the species as per Art. 79 (1) is for commercial purposes: trade, provision of services or other gainful activities, except for:
 - a) specimens as per Art. 74 (1), item 1;
 - b) species imported or acquired within the Republic of Bulgaria prior to the entry into force of this Act, as well as their offspring, including the first generation raised by man, provided that such specimens were imported or acquired in compliance with the legislation applicable prior to the entry into force of this Act, and are marked in a clear and unambiguous way;

c) the sale of live specimens for the purposes of programs related to the regeneration of species; for breeding or scientific or educational purposes, regardless of whether the said species were captured in their natural range of habitation or are the first generation bred in captivity.

Art. 80. The applicant for a permit as per Art. 75 (1) above must apply in writing to MOEW.

Art. 81. (1) An application as per Art. 80 above for import of species as per Art. 70 (1) must state:

1. the addresses of shipper and recipient;
2. the species and quantity of specimens shipped;
3. the estimated date of arrival and border checkpoint;
4. the conditions of shipment in cases of import of live specimens.

(2) Attached to the application as per (1) above must be:

1. a copy of an export permit issued in advance by the competent authority of the country of origin;
2. legal registration of the company;
3. address and description of conditions in which the imported live specimens are to be raised.

Art. 82. (1) An application as per Art. 80 above for export of species as per Art. 70 (1) must state:

1. the addresses of recipient and shipper;
2. the species and quantity of specimens shipped;
3. the estimated date of departure and border checkpoint;
4. the conditions of shipment.

(2) To the application as per (1) above, applicants must enclose:

1. a certificate of origin of the specimen;
2. a document of registration as per Art. 91;
3. a copy of the applicant's identity paper;
4. a certificate of the current of the applicant's company;
5. in cases of export of specimens bred and raised in captivity, a brief description of the order or culture stating the origin of individual specimens forming the basis of the said order or culture, and the consecutive number of the generation.

(3) The provisions of (2), items 2 and 4 above do not apply to cases as per Art. 96 (1) below.

Art. 83. (1) Within three days from the date of receipt of the application for import or export permit regarding specimens of the species as per Art. 70 (1), the Minister of the Environment and Waters shall request an expert opinion from the scientific advisory body as per Art. 72.

(2) Where an application is filed for export of species as per Art. 70, items 2 and 3, an expert opinion as per (1) above may be requested at the discretion of the Minister of the Environment and Waters.

Art. 84. (1) The scientific advisory body must submit the requested expert opinion to MOEW within 15 days from the date of receipt of the request as per Art. 83.

(2) Where a field assessment is necessary, MOEW shall cover the expenses of the expert appointed for the purpose by the scientific advisory body.

Art. 85. In compliance with all provisions of the Convention and of the present Act, a permit as per Art. 75 (1) above shall be issued within 5 working days from the date of receipt of the application as per Art. 80 or from the date of the expert opinion as per Art. 84 (1) above.

Section III

Customs supervision and control

Art. 86. The Customs Authorities carry out supervision and control on the import, export, and transit of specimens of the species as per Art. 70 into, from and via the territory of the Republic of Bulgaria.

Art. 87. The Customs Authorities shall:

1. ascertain whether the shipment is accompanied by a permit as per Art. 75 (1, 3);
2. instruct the border veterinary and phytosanitary service to ascertain whether the specimens conform with the data stated in the permit;
3. validate the original and the two additional copies of the import or export permit as per Art. 75 (1) by entering the actual quantity of imported or exported specimens, and then withholding the copy intended for the Customs Authorities;
4. on import, withhold the original of the permit as per Art. 75 (1), and the original of the permit issued by the competent authority of the country of origin;
5. within 5 days thereafter, shall send to MOEW the permits as per item 4 above and a copy of the export permit as per Art. 75 (1).

Art. 88. In the event of a violation of the provisions of the law, whether actual or supposed, the Customs Authorities shall withhold the specimens and shall notify without delay MOEW or the respective RIOEW, which shall in turn ensure that the specimens are placed in proper conditions.

Art. 89. The respective RIOEW shall provide to the Customs authorities any cooperation as may be necessary for clarifying the case as per Art. 88 and taking a decision thereupon.

Section IV

Registration

Art. 90. Subject to registration are all specimens of species as per Art. 70, items 1 and 2, except for foods stuffs made from these, as well as species that are subject to the Hunting and Game Conservation Act.

Art. 91. The registration is carried out on the basis of a document issued by the RIOEW according to the place of residence of the owner of the specimen, where said owner is a physical person, or where the owner is a legal entity, according to its registration address or the address of its management body.

Art. 92. (1) For the purpose of registration as per Art. 91 above, the owner must apply to the respective RIOEW within 15 days from the date of acquisition of the specimen, stating in the application:

1. full name and civil registration number, where said owner is a physical person, or where the owner is a legal entity, its full name, registration address and BULSTAT number.
2. specimen information: whether live or dead, part or product thereof;
3. breeding address, in case of a live specimen;
4. means of acquisition: whether imported, purchased locally, bartered, received as a gift, bred in captivity, found.

(2) Enclosed with the application as per (1) above must be:

1. an original registration document issued by RIOEW, in case of purchase of a specimen already registered pursuant to Art. 91;

2. a certificate of origin;
3. method of marking of the specimen;
4. copy of the import permit as per Art. 75 (1);
5. copy of a permit or other document attesting to the capture or killing of the specimen in the wild, as provided under the applicable legislation in evidence of the legitimacy of its acquisition.

Art. 93. The Regional Inspectorates of the Environment and Waters shall issue a document of registration within 5 days from receipt of the application as per Art. 92.

Art. 94. (1) Within 15 days from the occurrence thereof, the owner of a registered specimen must notify the RIOEW in the event of:

1. changes of circumstances relevant to the specimen: sale, change of the breeding address, death, theft or loss thereof;
2. destruction, damage, loss or theft of the registration document of the specimen.

(2) The Regional Inspectorates of the Environment and Waters shall then:

1. enter the reported changes in the register as per Art. 95 below;
2. issue a new registration document in cases as per (1), item 2 above;
3. notify MOEW of cases of theft or loss of a registered specimen.

Art. 95. The Regional Inspectorates of the Environment and Waters keep a register of all specimens as per Art. 90.

Art. 96. (1) The registration of specimens as per Art. 90 does not apply to collections for botanical gardens, museums, universities, institutes of the Bulgarian Academy of Sciences or other research units.

(2) Entities as per (1) above must submit to MOEW an itemized (by species) list of all specimens, and must update the information therein at the beginning of each year by noting all changes as have occurred in the collection during the previous year.

Art. 97. (1) Physical persons and legal entities possessing the requisite legal registration in the Republic of Bulgaria may register with the Secretariat of the Convention, through the good offices of MOEW, activities pertaining to the breeding and raising of species as per Art. 70, item 1.

(2) For registration as per (1) above, the applicant must apply in writing to MOEW, stating:

1. the address where the proposed activity is to be performed;
2. the reasons for breeding the proposed species, their scientific names and evidence of proper conditions for their breeding and raising;
3. proof of legitimate acquisition of the source breeding material, proof of proper qualification for performing the activity, and proof of compliance by the applicant with the provisions of Art. 79, item 1.

Art. 98. (1) MOEW verifies the circumstances as per Art. 97 (2) above and then requests an expert opinion from the scientific advisory body pursuant to Art. 83.

(2) Depending on the verification results and the expert opinion as per (1) above, MOEW:

1. sends the registration documents to the Secretariat pursuant to the provisions of the Convention;
2. in the event of rejection, notifies the applicant within 15 days from receipt thereof.

Art. 99. In the event of termination of a registered activity, entities as per Art. 97 (1) must within 15 days thereafter notify MOEW, which shall then send the requisite information to the Convention for deleting the registration.

Section V Domestic trade

Art. 100. The marketing, acquisition for commercial purposes, public display for commercial purposes, commercial use and sale, and storage for the purpose of subsequent sale of specimens as per Art. 70, item 1, are strictly prohibited.

Art. 101. The prohibition as per Art. 100 above does not apply to specimens which:

1. were acquired prior to the entry into force of the Convention, and are duly registered;
2. are animal specimens bred in captivity or cultivated plants, subject to proof of these circumstances;
3. are necessary for scientific research, where the specimens at hand are only suitable for such purposes and no identical specimens are bred in captivity;
4. are intended for breeding programs or scientific research for the purpose of conservation of the species.
5. were confiscated by the State pursuant to Art. 128 (1) below.

Art. 102. (1) Trade in unregistered specimens in cases as per Art. 101, as well as in unregistered specimens of species as per Art. 70, item 2, is forbidden.

(2) Upon sale of a specimen registered pursuant to Art. 91, the seller must hand over to the buyer the original registration document.

Section VI Disposal of specimens confiscated by the State

Art. 103. The Minister of the Environment and Waters is responsible for the disposal of specimens of species as per Art. 70, confiscated by the State pursuant to Art. 128 (1) below.

Art. 104. (1) In the event of confiscation of live specimens by the State, the Minister of the Environment and Waters shall order:

1. the return of the specimen to the country of export, where it is also its country of origin;
2. the return of the specimen to the country of export in cases as per Art. 74 (1);
3. the handing over of the specimen to a zoological or botanical garden or a specially designated rescue center;
4. the release of the specimen into the wild, where it originates from a natural habitat within the country's territory, provided that no apparent obstacles exist to its survival;
5. the sale thereof.

(2) In the event of confiscation of dead specimens by the State, the Minister of the Environment and Waters shall order:

1. the provision thereof, free of charge, to institutions of higher learning or centers for training personnel in the implementation of the Convention, for the purpose of complementing educational collections;
2. the provision thereof, free of charge, to museums of natural history, and where these have some aesthetic value, to art museums;
3. the sale thereof.

(3) In the event of confiscation by the State of food stuffs or medication, the Minister of the Environment and Waters shall order:

1. the return thereof to the country of export, or destruction thereof;

2. the provision thereof, free of charge, to institutions of higher learning or centers for training personnel in the implementation of the Convention, for the purpose of complementing educational collections.

Art. 105. Until a summons or writ of penalty becomes effective, the Minister of the Environment and Waters shall order:

1. the handing over of live specimens, free of charge, to a zoological or botanical garden or a specially designated rescue center;
2. the storage in suitable places of dead specimens, food stuffs or medication.

Art. 106. (1) Confiscated specimens shall be returned to their owner in the event of annulment of a summons or writ of penalty within 7 days from the date thereof;

(2) Upon entry into force of a court ruling overturning a petition against a summons or writ of penalty ordering the confiscation of live specimens by the State, the Minister of the Environment and Waters may dispose of the specimens thus confiscated pursuant to Art. 104.

Art. 107. (1) Any expenses pertinent to the enforcement of Arts. 104 and 105, shall be borne by the National Environmental Protection Fund under MOEW.

(2) the National Environmental Protection Fund shall be reimbursed for expenses accrued as per (1) above from the proceeds of sale as per Art. 104, where applicable.

Art. 108. In cases of sale as per Art. 104 (1), item 5, and (2), item 3 above, the specimens shall be considered legitimately acquired upon presentation of the bill of sale.

Chapter Five

CONSERVATION OF CENTENNARIAN OR REMARKABLE TREES

Art. 109. (1) Individual centenarian or otherwise remarkable trees within or outside populated areas are declared protected specimens in coordination with the physical person or legal entity, owner of the plot where the tree is located.

(2) The director of the respective regional body of MOEW and the entity as per (1) above shall sign a protocol stating the location and characteristics of the tree specimen: species, age, height and other data; state of health and requisite measures for maintaining it, as well as the commitments of the owner for protection of the specimen.

(3) The protocol as per (1) above and a plan of the site are then sent to MOEW.

Art. 110. The Minister of the Environment and Waters issues an order declaring the tree a protected specimen, which is then promulgated in *State Gazette*.

Art. 111. The owners of trees declared a protected specimens must:

1. protect those trees from damage or destruction, together with the soil and root system within the perimeter covered by the tree crown;
2. notify the respective regional body of MOEW of any changes in the state of the specimen;
3. coordinate with the respective regional body of MOEW any activities necessary for the maintenance or restoration of the proper state of the specimen;
4. provide for RIOEW representatives free access to the plot for inspection of the state and condition of protected specimens;

Art. 112. (1) The Ministry of the Environment and Waters may fund maintenance and regenerative activities deemed necessary for the conservation of centenarian trees.

(2) The owners of such trees must submit to MOEW a proposal for the funding of activities as per (1) above through the respective regional body of MOEW.

Art. 113. (1) The trees declared protected tree specimens are entered in registers of MOEW and the respective RIOEW.

(2) Destroyed, dead or irreparably damaged trees are struck off the register pursuant to the order and procedure as per Art. 109 (2) and Art. 110 above.

Chapter Six GOVERNING BODIES

Art. 114. The Ministry of the Environment and Waters and its regional bodies are responsible for the management and control of biodiversity conservation in the country.

Art. 115. The Minister of the Environment and Waters:

1. implements state policy pertinent to the conservation and maintenance of biodiversity;
2. prepares, in conjunction with sectoral agencies and environmental NGOs, and submits for approval by the Council of Ministers a National Strategy for Biodiversity Conservation;
3. prepares, in conjunction with sectoral agencies, and submits for approval by the Council of Ministers a National Plan for Biodiversity Conservation; organizes the implementation of the Plan and reports thereon;
4. builds and maintains the National Ecological network
5. commissions the development of, and approves management plans for protected territories and action plans for individual species;
6. coordinates the activities of other Ministries, government agencies, municipalities, public organizations, research and academic institutions pertinent to biodiversity conservation;
7. ensures control and supervision of the activities by owners and users of lands, forests and water basins included in the National Ecological Network or outside it.
8. funds activities pertinent to the enforcement of this Act;
9. assists owners and users, environmental NGOs, associations and others, in their activities aimed at the conservation, maintenance and regeneration of biodiversity;
10. organizes a system of monitoring of the state of biodiversity and establishes databases and geographic information systems for registering the state of and detecting changes in biodiversity; ensures access to and the exchange of data pertinent to biodiversity conservation activities;
11. prepares an annual report of the state of biodiversity and activities for the conservation thereof;
12. represents the country on all matters of biodiversity conservation;
13. organizes and maintains state registers as provided by law;
14. issues orders, lists, permits and licenses as provided by law;
15. publishes lists and changes therein pertinent to species as per Art. 70 and the Indemnities Tariff for damages to biodiversity.

Art. 115-A. (1) A National Biodiversity Council is established as an advisory body under the Minister of the Environment and Waters.

(2) The National Biodiversity Council comprises representatives of interested Ministries and government agencies, scientific institutes under the Bulgarian Academy of Sciences, universities, and environmental NGOs.

(3) The activity of the National Biodiversity Council is regulated by an Ordinance approved by the Minister of the Environment and Waters.

Art. 116. The Directors of RIOEW:

1. control compliance with biodiversity conservation requirements in all activities performed by owners or users of lands, forests or water basins within the National Ecological Network;
2. coordinate and control the implementation of management plans and all plans and projects as provided pursuant to this Act, including integration thereof into regional and municipal plans and programs;
3. keep regional registers as provided by this Act;
4. sanction offenders in all cases as provided by law.

Art. 117. The Ministry of the Environment and Waters, the Ministry of Regional Development and Public Works and other government agencies and branches thereof, as well as municipalities, each within its respective sphere of competence:

1. carry out activities towards biodiversity conservation;
2. integrate biodiversity conservation and sustainable management of biological resources into any plans, projects, programs, policies and strategies in the respective sector, by including in them mostly biodiversity conservation activities in conformity with the priorities of the law, of the National Strategy and the National Plan for Biodiversity Conservation;
3. develop and implement management plans for protected zones and action plans for priority plant and animal species;
4. collaborate with other competent authorities where their activities produce interconnected or cumulative effects on biodiversity, or where their competences concern the same site or territory;
5. organize sectoral systems for monitoring the state and condition of biodiversity and of protected zones, and establish databases and geographic information systems for recording their attributes, while providing to MOEW information coordinated by species and timing of presentation;
6. fund, on a priority basis, scientific research and activities pertinent to biodiversity conservation and the sustained use of biological resources;
7. utilize the results of biodiversity studies in planning their future activities, plans, programs and policies on an intra-sectoral or inter-sectoral basis;
8. control and supervise the activities of owners or users of lands, forests and water basins included in the National Ecological Network;
9. sanction offenders in all cases as provided by law;
10. engage in international cooperation on matters of common concern, related to biodiversity conservation in protected zones.

Art. 118. (1) The Ministry of the Environment and Waters, the Ministry of Agriculture and Forests, municipalities, as well as physical persons or legal entities, owners or users of forests, lands and water basins within or outside the National Ecological Network, must ensure the proper husbanding and security protection thereof, pursuant to the provisions of this and other special Acts.

(2) The owners or users of forests, lands and water basins are obligated to provide free access to their property for the purpose of implementation of activities pursuant to this Act, in compliance with other special Acts.

Art. 119. The Customs Agency carries out customs control of the import, export or transit of specimens as per Art. 70 pursuant to the law, the Customs Act and all other legislation pertinent to customs control.

Chapter Seven ADMINISTRATIVE AND PENAL PROVISIONS

Section I Coercive administrative measures

Art. 120. For the purpose of preventing or eliminating administrative violations in contravention of this Act and the negative effects therefrom, the competent authorities or persons duly authorized thereby impose coercive administrative measures pursuant to Art. 121 below.

Art. 121. (1) The Minister of the Environment and Waters may:

1. overrule orders of government authorities where these are in contravention of this Act;
2. suspend the implementation of plans and projects initiated or approved in contravention of this Act;
3. close down zoos or other sites as per Art. 58 (1) above or parts thereof, where these operate in contravention of this Act;

(2) The directors of regional bodies of MOEW may:

1. suspend activities pertinent to the use of forests, lands and water basins or of other resources, or construction in protected or buffer zones, where these are performed in contravention of the acts of their declaration as such, or of duly approved management plans, inventories or technical plans and projects;
2. suspend activities or the implementation of projects as damage natural habitats as per Appendix # 1 to Art. 6 (1), item 1 above, or habitats of species as per Appendix # 2 to Art. 6 (1), item 2 above, or damage or pollute the environment above and beyond the admissible norms for protected or buffer zones;
3. overrule orders of the regional forestry boards or state forest enterprises or municipal governments where these are in contravention of this Act;
4. prescribe measures for the prevention and/or elimination of violations.

(3) The directors of regional forestry boards, state forest enterprises, as well as mayors of municipalities may suspend activities and construction in forests, lands and water basins managed under concession, whether state, municipal, or private property, where these activities are in contravention of duly approved management plans, inventories or technical plans and projects.

Art. 122. These coercive administrative measures may be appealed pursuant to the Administrative procedure Act.

Section II Administrative violations and penalties

Чл. 123. Physical persons found guilty of carrying out activities in contravention of the regime imposed by orders and decrees as per Art. 14 (1), Art. 18 (3), Art. 23 (2) or Art. 42 (1, 2) are liable to a fine of 50 to 1,000 leva, while legal entities or small businesses found guilty of the same violations are liable to a fine or penalty of 200 to 5,000 leva.

Чл. 124. Physical persons found guilty of violation of Art. 38, Art. 39 (1, 2), Art. 40, Art. 41 (3), Arts. 44 and 46, Art. 47 (1), Art. 60 (2, 3), Art. 100, Art. 102 (1), and Art. 111, item 1, are liable to a fine of 100 to 5,000 leva, while legal entities or small businesses found guilty of the same violations are liable to a fine or penalty of 500 to 10,000 leva.

Чл. 125. Physical persons found guilty of performing an activity without permit pursuant to Art. 67 (3) and Art. 68 (2) are liable to a fine of 1,000 to 10,000 leva, while legal entities or small businesses found guilty of the same violations are liable to a penalty or fine of 2,000 to 25,000 leva.

Чл. 126. Physical persons found guilty of performing an activity without permit pursuant to Art. 75 (1) are liable to a fine of 500 to 10,000 leva, while legal entities or small businesses found guilty of the same violation are liable to a penalty or fine of 1,000 to 30,000 leva.

Чл. 127. Physical persons found guilty violation of Art. 76 (4) or Art. 94 (1) are liable to a fine of 500 to 2,000 leva, while legal entities or small businesses found guilty of the same violations are liable to a penalty or fine of 1,000 to 5,000 leva.

Чл. 128. (1) All material items subject to a violation or used in perpetration thereof are liable to confiscation by the State.

(2) The sale of items as per (1) above is carried out pursuant to the State Dues Collection Act.

Чл. 129. (1) Violations as per Arts. 123 and 124 are established by a statement of violation issued by an official appointed by the Minister of the Environment and Waters or the Minister of Agriculture and Forests, or by the mayor of the municipality, in compliance with their legal competences. Writs of penalty are issued respectively by the Minister of the Environment and Waters or the Minister of Agriculture and Forests, or by the mayor of the municipality, or by officials duly authorized thereby.

(2) Violations as per Art. 125 are established by a statement of violation issued by an official appointed by the Minister of the Environment and Waters or the Minister of Agriculture and Forests, while writs of penalty are issued respectively by the Minister of the Environment and Waters or the Minister of Agriculture and Forests, or by officials duly authorized thereby.

(3) Violations as per Arts. 126 and 127 are established by a statement of violation issued by an official appointed by the Minister of the Environment and Waters or the Minister of Finance, while writs of penalty are issued respectively by the Minister of the Environment and Waters or the Minister of Finance, or by officials duly authorized thereby.

(4) The factual establishment of violations, the issue, appeal and execution of writs of penalty for the purposes of this Act are carried out pursuant to the Administrative Violations and Penalties Act.

ADDITIONAL PROVISION

§ 1. For the purposes of this Act:

[Translator's note: In the original, these are arranged alphabetically.]

1. "Biological diversity" (biodiversity) is the diversity of living organisms in all their forms, including terrestrial, marine and other types of aquatic ecosystems and ecological complexes to which they belong; this includes diversity within the framework of an individual species, among species and ecosystems.

2. "Favorable condition of a species" is a condition whereby:

a) the data reflecting the dynamics of populations of the species show that the species is, and will remain, a able component of the natural habitat;

b) the natural range of that species is not diminishing, and is not likely to diminish in the foreseeable future;

c) there is a sufficiently large area of habitation capable of supporting and ensuring the survival of the species.

3. "Favorable condition of a natural habitat" is a condition whereby:

a) its natural range and the territory which it occupies are constant or expanding;

b) its structure and specific functions are capable of ensuring its continued existence;

c) the condition of species characterizing it is favorable.

4. "Botanical garden" is an institution which supports collections of live plants for the purposes of empirical botanical research, for natural history and environmental education, and is open to the public for more than 5 months annually.

5. "Species" is a group of morphologically similar organisms having a common origin, potentially capable of exchanging among themselves genetic material in natural conditions.

6. "Wetland" is an area comprising lakes, swamps, marshes, peat bogs or other aquatic sites, whether natural or man-made, permanent or temporary, full of static or flowing water, whether fresh, semi-saline or saline, including marine water, whose depth does not exceed 6 meters.

7. "Import" is the introduction of a specimen captured in a marine environment outside the jurisdiction of any state.

8. "Water basins" are land or forest areas or areas within the continental shelf and exclusive economic zone, submerged by water.

9. "Regeneration" is the reproduction or restoration in natural conditions of communities of organisms, ecosystems or complexes thereof based upon a model of naturally existing ones, or the creation of conditions for re-emergence or increase of the size of natural populations

10. "Genetic resources" are materials of plant or animal origin which contain functional units of hereditary information.

11. "Forests" are wooded lands and lands included in the forest fund pursuant to the Forests Act.

12. "Date of acquisition" is the date when a specimen was extracted from the wild, born in captivity or artificially bred, or acquired in trade or barter.

13. "Specimen" is any animal or plant, dead or alive, any recognizable part thereof or any product derived from an animal or plant, as well as any other item which, on the basis of an accompanying document, packaging, marking, labeling or any other circumstance can be identified as part or derivative of a plant or animal.

14. "Specimen bred in captivity" is a specimen of an animal species born/hatched and raised in captivity, or a specimen of a plant species grown in controlled conditions. A specimen grown in controlled conditions is one obtained by reproduction in an environment created or modified and controlled by man, which in the case of animals implies at least a second generation of offspring bred and raised by man without addition of genetic material taken from the wild.

15. “Ecosystem” is a dynamic complex of plant, animal and microorganism communities and their abiotic environment, which interact among themselves as a functional whole with its own interlinked processes and a specific common appearance.

16. “Endemic species” is one that can only be found in a specific geographic region.

17. “Endangered species” is one threatened with extinction throughout its entire range or in large portions thereof.

18. “Lands” are agricultural (arable) lands pursuant to the Agricultural Lands Ownership and Use Act.

19. “Zoological garden” is a permanent establishment where animals of wild species are kept for the purpose of being shown to the public for more than 7 days annually [*sic! – translator’s note*], except for circuses pet shops or others which do not display a considerable number of specimens or species to the public.

20. “Export” is the export of specimens from the country, including re-export.

21. “Collection” is an agglomeration of specimens of plant and animal species (including seeds and other reproductive material) bred, raised or kept in controlled conditions for purposes of scientific research, education or the conservation or regeneration of species.

21-A. “CORINE-site” is a territory described using standard international methodology of the EC project CORINE Biotopes based on the information kept at the Ministry of the Environment and Waters.

22. “Landscape” is a distinct territory combining a characteristic unity of biotic and abiotic forms with its specific appearance, some components of which have taken shape as a result of interaction between natural and/or human factors.

23. “Species habitat” is an area defined by specific biotic and abiotic factors where the species in question can be found permanently or temporarily, in some stages of its life cycle.

24. “Organism” is any living body, made up of organs functioning in coordination, that can exist on its own. An organism is a specimen in a population of a separate species.

24-A. “Site of ornithological significance” is a territory described using the standard international methodology of BirdLife International, based upon the information contained about this territory in *Sites of Ornithological Significance in Bulgaria*, the book jointly published by the Ministry of the Environment and Waters and the Bulgarian Society for the Protection of Birds.

25. “Population” is a territorially defined agglomeration of specimens of the same species, which can freely exchange genetic material among themselves.

26. “Potentially endangered species” is one which is likely to join in the near future the category of endangered species, if the factors constituting the threat remain valid.

27. “Natural habitat” are natural or close to natural land or aquatic sites possessing characteristic geographic, abiotic and biotic attributes giving them a specific quality and appearance.

28. “Paramount public interest” is public interest having to do with public health, security, or extremely favorable environmental impacts.

28-A. “Ramsar site” is a wetland meeting the criteria of the Convention on Wetlands of International Significance, more specifically in terms of habitats for aquatic birds (The Ramsar Convention, *State Gazette*, # 56, 1992).

29. “Rare Species” is one whose populations are small, dispersed or dependent on specific factors, and which is endangered if not directly, then indirectly or potentially in the sense as per Items 17 and 26 herein.

30. “Rescue center” is a legal entity or physical person appointed by the Minister of the Environment and Waters to care for confiscated live specimens.

31. “Conservation” is the agglomeration of all measures necessary for the protection or regeneration of natural habitats and populations of wild plant and animal species in favorable condition.

32. "Taxon" is the generic name for classification units comprising the subspecies, species and higher units.

33. "Transit" is a process of transportation or movement of a specimen through the territory of the Republic of Bulgaria from an entry border and customs checkpoint to an exit border and customs checkpoint.

34. "Sustained management" is management of the use, development and conservation of natural resources in a manner and to an extent allowing the current generations and communities of humans to ensure themselves adequate social, economic and cultural benefits, without in the process:

a) diminishing the chances of future generations and communities to provide for their own social, economic and cultural needs;

b) violating the possibilities of ecosystems to carry out their water generation, soil protection and climate regulation functions;

c) substantially reducing the existing biodiversity.

35. "Fauna" are all animal species in any given area.

36. "Flora" are all plant species in any given area.

TRANSITIVE AND FINAL PROVISIONS

§ 2. Within 3 years from the entry into force of this Act, the Minister of the Environment and Waters shall submit to the Council of Ministers the list as per Art. 7 (1).

§ 3. Within 6 months from the entry into force of this Act, the Minister of the Environment and Waters shall submit to the Council of Ministers drafts for the ordinances as pr Arts. 57, 66 (6) and 69.

§ 4. Within 1 year from the entry into force of this Act, all physical persons and legal entities in possession of specimens of the species as per Art. 70 (1, 2) must have them registered pursuant to Chapter Four, Section IV.

§ 5. Within 2 years from the date of promulgation in *State Gazette* of the ordinance as per Art. 61, owners of zoological gardens and other sites as per Art. 58 (1) must bring these in conformity with the provisions of the ordinance and must apply for licensing thereof.

§ 6. (1) Buffer zones surrounding protected territories declared pursuant to the Environmental Protection Act shall retain their boundaries and regimes, unless these are changed pursuant to Chapter Two, Section IV of this Act.

(2) Centenary trees, declared protected tree specimens pursuant to the Environment Protection Act shall retain their regimes, unless deleted pursuant to Chapter Five of this Act.

§ 7. This Act supercedes the Environment Protection Act (promulgated in *State Gazette*, # 47, 1967; suppl. *SG* ## 3, 1977; 39, 1978; 28, 1982; 26, 1988; 86, 1991; 85, 1997; 11, 133, 1998; & 29, 2000).

§ 8. The Hunting and Game Conservation Act (promulgated in *State Gazette*, # 78, 26/09/2000, amended # 26. 20/03/2000), item 6.: “Bear (*Ursus Arctos* L.)” of the Appendix to Art. 5 (2), item 1 and (6), is repealed.

§ 9. The implementation of this Act is the responsibility of the Minister of the Environment and Waters, the Minister of Agriculture and Forests, the Minister of Regional Development and Public Works, the Minister of Finance and mayors of municipalities.